

## REMARKS

Claims 1-3 and 5-8 were pending in the application. In the Office Action mailed April 14, 2009, claims 1-3 and 5-8 are rejected. In the instant Amendment, claim 1 has been amended. Upon entry of the instant Amendment, claims 1-3 and 5-8 will be pending in the application.

Claim 1 has been amended to recite that the coverage of the coat layer is from 50% to 90%. Support for this claim is found in the specification at Table 1, Examples 4-6, 15-17, 38-40, 49-51, 72-74, and 83-85.

No new matter has been added by the amendment. Entry of the foregoing amendment and consideration of the following remarks are respectfully requested.

### **Rejection under 35 U.S.C. § 103**

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/103080 (“WO’080”) to Nakayama et al.

The precoated metal sheet of the present invention, as defined in claim 1, comprises a stack of a coat layer and an organic resin layer on a metal or plated metal sheet, with the coat layer being only a metal oxide and/or metal hydroxide, wherein the coverage of the coat layer is from 50% to 90%. The Examples listed in Table 1 illustrate that when coverage is in the range from 50 -90%, the coating material adhesion is equal to or greater than that of the chromate treatment. Thus, the presently claimed invention is characterized in that the surface of a metal or plated metal sheet is not entirely covered by the coat layer. Specification, page 5, lines 13-21 and Table 1.

In contrast, EP 1405933 (“EP’933”) corresponding to WO’080 teaches treating a Fe and/or Zn containing metal surface with a treating solution to form a metal oxide and/or hydroxide coating having excellent corrosion resistance. EP’933 teaches that “[s]ince oxide and hydroxide of said metal element forms a network structure through metal and oxygen, it can be an excellent barrier film” (EP’933, ¶ [0039]). EP’933 also teaches that its surface film layer is not easily dissolved by an acid or base, thereby providing excellent resistance in a corrosive environment (EP’933, ¶ [0038]). A person of ordinary skill in the art would have understood that EP’933 teaches a barrier film that provides 100% coverage, because a reduction of coverage, e.g., as a result of dissolution by an acid or base, would reduce corrosion resistance.

Additionally, EP'933 teaches that its oxide and/or hydroxide film is sufficient to provide corrosion resistance, and that a polymer can be added for additional function such as lubrication (EP'933, ¶ [0034]). Also, the only polymer that EP'933 teaches is a water soluble polymer that may optionally be added to the treating solution (see, EP'933, ¶¶ [0013], [0034] and [0052] Example 3).

Thus, a person skilled in the art would not have been led by EP'933 to a precoated metal sheet having a stacked coat layer and an organic resin layer, with the coverage of the coat layer being from 50% to 90%. For at least the above reasons, claims 1-3 and 5-8 are not obvious under 35 U.S.C. § 103(a) over WO'080 to Nakayama et al.

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

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